IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8264 OF 2007

Maruti H. Amrute and anr. ..Petitioners

Vs.

M/s. Asha Brothers Pvt. Ltd. and anr. ..Respondents

Mr. Bhavesh Parmar for petitioners.
Mr. R.S. Pai for respondent no.1.
Mr. S.K. Chinchalikar, AGP for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : November 19, 2007.

P.C.:

1. Heard Mr. Parmar the learned counsel for the petitioners. They are aggrieved by the order passed by the Assistant Commissioner of Labour at Thane on 10/4/2007.

2. It appears that petitioners approached the Assistant Labour Commissioner on 21/7/2006 by filing an application under Section 33C (1) of the Industrial Disputes Act, 1947. The management of M/s. Asha Brothers Pvt. Ltd. contested the said application

and submitted that the claim made by the petitioners was disputed and it was also pending adjudication. The Labour Commissioner noted that the Company had given a closure notice and the applicants had accepted full and final settlement from the Company with monetary benefits and, therefore, the claim made was required to be adjudicated under Section 33C (2) of the said Act. Along with the petition memo a statement of the legal dues in tabular form has been brought on record and it includes the closure compensation, gratuity, leave with wages. The said statement also admits that each of the applicants had received full and final settlement amount from the employer but the said amount was not as per law and each applicant was entitled to receive arrears as they were entitled for closure compensation and leave wages etc.

3. Having regards to the scheme of Section 33C (1) and Section 33C (2) of the I.D. Act, it is clear that the claim made by the applicants required adjudication and it did not fall within the ambit of Section 33C (1) of the said Act. The applicants do

have the remedy under Section 33 C (2) and it is not that they are remedyless even now. The view taken by the Assistant Labour Commissioner cannot be termed as illegal or perverse calling for interference under Article 227 of the Constitution.

4. Hence, the petition is rejected summarily.

(B.H. Marlapalle,J.)